

VOTE CUYAHOGA COUNTY BOARD OF ELECTIONS

Board Meeting
3/14/2022

Attending:

Jeff Hastings, Chairman
Inajo Davis Chappell, Board Member/via teleconference
Lisa M. Stickan, Board Member
David Wondolowski, Board Member
Anthony W. Perlatti, Director
Tony Kaloger, Deputy Director

Mark R. Musson, Assistant Prosecutor, Cuyahoga County
Mary Bejjani, Clerk to the Board
Linda Walker, Clerk to the Board

The Cuyahoga County Board of Elections Meeting began at 9:31 a.m. Hereinafter referred to as the CCBOE/Board.

Chairman Hastings noted that all Board Members were in attendance. Board Member Davis Chappell attended remotely as allowed per House Bill "H.B."51.

Agenda Item 1: Acknowledgment of Secretary of State Directive 2022-28: Ballots and Candidates for May 3, 2022, Primary Election for All Offices

Walk-on agenda items: Secretary of State Directive 2022-29; Legislation regarding Uniformed and Overseas Citizens' Absentee Ballots and Ballot Transmission Instructions, and Secretary of State Advisory 2022-02; Substitute Senate Bill 102 and Changes to Local Option Election Law.

Chairman Hastings moved to acknowledge the Secretary of State Directive: 2022-28: Ballots and Candidates for May 3, 2022, Primary Election for All Offices, walk-on Directive 2022-29; Legislation regarding Uniformed and Overseas Citizens' Absentee Ballots and Ballot Transmission Instructions; and walk-on Advisory 2022-02; Substitute Senate Bill 102 and Changes to Local Option Election Law. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 2: Certification of the United States Congressional, Ohio General Assembly, and State Central Committee candidates for the May 3, 2022, Primary Election

Prior to the certification of candidates, two candidates, whose petitions staff determined lack sufficient signatures, requested to be heard by the Board on this matter.

Brent Lawler, Candidate and Petition Services Manager, stated that staff determined that the petitions of James Hemphill, U.S. Congress District 11, were short five signatures. Mr. Hemphill met with Betty Edwards, Registration Manager, to review the petition and he was shown the five signatures staff

¹ Narrative that is underlined in the CCBOE minutes relates to a motion that was acted on by the Board.

concluded were deemed not genuine. Mr. Hemphill obtained affidavits from those five signatories and provided copies to the Board and was sworn in. Mr. Hemphill testified that the petition that contained the signatures in question was circulated by Richard Stanley, who could not attend the Board Meeting due to work obligations. Mr. Stanley met with the individuals whose signatures were questioned on Saturday, March 12, 2022, and requested they complete an affidavit regarding the authenticity of their petition signatures. Chairman Hastings asked if the petitions were signed in front of a notary. Mr. Hemphill stated he prepared all the affidavits and provided the forms to Mr. Stanley to be completed by the signatories in front of a notary. Board Member Wondolowski stated in reviewing the affidavits the signatures appear to match. Board Member Stickan asked if the signers were qualified to sign the petition as either an unaffiliated or Republican voter. Mr. Lawler indicated that they were qualified to sign. Board Member Davis Chappell stated the conclusions reached by the CCBOE staff, questioning the petition signatures, were appropriate because she also concluded that the five signatures on the petition did not match the signatures on file. Board Member Davis Chappell stated the proof offered was satisfactory and she would support the motion.

Board Member Wondolowski moved to certify James Hemphill as a Republican candidate for U.S. Congress District 11. Chairman Hastings seconded the motion. The motion passed unanimously.

Brent Lawler presented information regarding Donald Truex, U.S. Congress District 7, Republican. The issue with Mr. Truex petitions is he filed petitions containing 82 signatures and staff determined 44 signatures were valid leaving him short six signature. Chairman Hastings asked if Mr. Truex was present and no one responded. Mr. Lawler stated Mr. Truex advised him he planned to attend the Board Meeting. Chairman Hastings acknowledged the CCBOE's staff report which explained that because a petition contained signatures from two counties, per Section 3513.05 of the Ohio Revised Code and the Ohio SOS Election Manual, only the signatures of one county may be counted. In this case the petition in question had more valid signatures from Medina County than Cuyahoga County so the valid signatures from Medina County were included in the signature count. Mr. Truex's had also provided the Board with written documents explaining why he thinks that all the signatures on the petition should be counted. He argued because the wording on the petition states that all signatures "should" be from one county versus "shall" be from one county, all the signatures should be counted. Chairman Hastings inquired of Assistant Prosecutor Musson if Section 35.13.05 which states in relevant part "*A petition shall consist of separate petition papers, each of which shall contain signatures of electors of only one county*" precludes the Board from counting those signature from Cuyahoga County. APA Musson stated that the law is clear that the CCBOE cannot count signatures from a second county. He continued that while the language on the petition might be inaccurate or imprecise, the statute clearly states that signatures from a second county cannot be counted. Mr. Musson stated that the Secretary of State (SOS) provided the petition form, and the ambiguity of the wording should be addressed with the SOS' Office. Chairman Hastings stated that should Mr. Truex appear before the Board Meeting concluded its meeting the Board would hear him.

Chairman Hastings acknowledged the CCBOE staff report and Mr. Truex's documentation set forth in the agenda and moved not to certify Mr. Truex's petitions for the foregoing reasons. Board Member Wondolowski seconded. The motion passed unanimously.

Brent Lawler presented information from the board packet of candidates to certify for the United States Congressional, Ohio General Assembly, and State Central Committee for the May 3, 2022, Primary Election.

As provided in the meeting materials, Chairman Hastings moved to certify the United States Congressional, Ohio General Assembly, and State Central Committee candidates for the May 3, 2022, Primary Election. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 3: Acknowledgment of the withdrawal of candidates from the May 3, 2022, Primary Election

Chairman Hastings moved to acknowledge the withdrawal of candidates from the May 3, 2022, Primary Election as provided in the meeting materials. Mr. Lawler stated candidate Cynthia Lyndsey, write-in County Central Committee, Cleveland-07-F, filed for withdrawal after the deadline. The name Cynthia Lyndsey will appear on the ballot but not be counted. Chairman Hastings made a friendly amendment to the motion. Board Member Wondolowski seconded. The motion passed unanimously.

Agenda Item 4: Approval of the personnel agenda

Chairman Hastings moved to approve the personnel agenda as provided in the meeting materials. Board Member Wondolowski seconded. The motion passed unanimously.

NEW BUSINESS

Director Perlatti provided an update for the May 3, 2022, Primary Election. Poll worker recruitment is currently at 52%, with online and in person training ongoing. The Ballot Department was proofing the ballot and worked over the past weekend from 8:30 a.m. to 6:30 p.m. on Saturday, and 8:30a.m. to 4:30 p.m. on Sunday, proofing the ballot's layout based on a SOS directive. The Ballot Department is also conducting precinct proofing, which is proofed three times each for Democrat, Republican, and Issues Only ballots. The Ballot Department also worked from 8:30 a.m. to 6:30 p.m. Monday thru Friday, and weekend hours. The CCBOE is on target to complete the proofing by Thursday, April 7, 2022, and will be able to go to print, which is two days after the opening of absentee voting. The CCBOE must determine how to eliminate five days from the proofing processes to be ready on time. Additional resources are being added to the proofing process with a focus on maintaining the quality and integrity in the proofing process. Human Resources is having challenges finding temporary workers. The SOS advisory acknowledged by the Board today requires that the ballot language on local options be changed. The CCBOE must now rework the ballot layout to comply with the advisory. Director Perlatti indicated the SOS Uniformed and Overseas Citizens Absentee Voting (UOVACA) directive was also acknowledged by the Board today. The Fiscal Department will be working with the Ballot Department regarding expediting the UOVACA mailings. Due to the uncertainty surrounding the districts for the General Assembly and Congressional races, the Primary Election has not been locked in. Therefore, the Vote-by-Mail ballot applications will not be entered into the system until then. Over 100 UOVACA applications and approximately 1,300 Vote-by-Mail applications are waiting to be processed. Director Perlatti stated CCBOE staff continue to maintain a positive attitude.

Director Perlatti stated there are two upcoming deadlines. On Thursday, March 17, 2022, there is the protest deadline for the certifications approved by the Board today. On March 26, 2022, there is a deadline for the four candidates running in different districts from where they reside to file paperwork changing their address to the new district. The CCBOE will wait for direction from the SOS on how to proceed should a candidate not file the change of address document.

PUBLIC COMMENT

There was no public comment

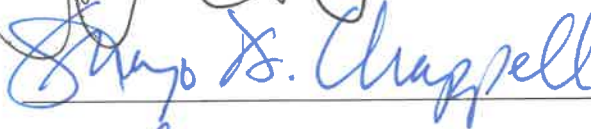
Chairman Hastings moved to adjourn the meeting at 9:59 a.m. Board Member Wondolowski seconded. The motion passed unanimously.

Certification: I have reviewed the above minutes and certify that they are an accurate summary of the actions taken by the Cuyahoga County Board of Elections at its meeting held on March 14, 2022.

Jeff Hastings, Chairman



Inajo Davis Chappell, Board Member



Lisa M. Stickan, Board Member



David J. Wondolowski, Board Member



Anthony Perlatti, Director